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Attorney for Debtor

IN THE UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA, PHOENIX DIVISION

11 In re:)
12)
13 LETHE LEW,) Case No. 2:09-BK-29704-GBN
14) Chapter 11
15)
16 WELLS FARGO BANK, N.A., AS)
17 TRUSTEE UNDER THE POOLING)
18 AND SERVICING AGREEMENT)
19 RELATING TO IMPAC SECURED)
20 ASSETS CORP., MORTGAGE PASS-)
21 THROUGH CERTIFICATES, SERIES)
22 2005-2,)
23)
24 Movant,) OBJECTION TO MOTION
vs.) FOR RELIEF FROM
LETHE LEW, Debtor;) AUTOMATIC STAY
Respondents.)
RE: Real Property Located at
13433 West Peck Drive
Litchfield Park, Arizona 85340

26 COMES NOW the debtor, Lethe Lew, by and through counsel
27 undersigned, and hereby responds and objects to Wells Fargo Bank, N.A., as

Trustee Under the Pooling and Servicing Agreement Relating to Impac Secured Assets Corp., Mortgage Pass-Through Certificates, Series 2005-2's Motion for Relief from the Automatic Stay as follows.

Taken at face value, Movant's documents show that Matt Moua transferred the note from the original lender, Alliance Bancorp, to IMPAC Funding Corporation. There is no date on this transfer. Their exhibits also show that the Deed of Trust was transferred from the original lender to Wells Fargo Bank, N.A., as Trustee Under the Pooling and Servicing Agreement Relating to Impac Secured Assets Corp., Mortgage Pass-Through Certificates, Series 2005-2 on February 12, 2010.

Through Movant's exhibits, it is clear that the note and Deed of Trust are held by different parties. IMPAC Funding Corporation now has a note without a Deed of Trust and is therefore an unsecured creditor. Movant holds a Deed of Trust that secures the Debtors real property, but the Debtor does not owe Movant any money and thus Movant can never foreclose upon the Deed of Trust. Movant's Deed of Trust is therefore a nullity without any force or effect.

WHEREFORE, Debtors respectfully requests that the Movant's Motion for Relief from the Automatic Stay be denied.

RESPECTFULLY SUBMITTED this 12th day of May, 2010.

JOSEPH W. CHARLES, P.C.

By /s/ Joseph W. Charles
JOSEPH W. CHARLES
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Attorney for Debtors

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2 COPY of the foregoing
3 mailed this 12th day of
4 May, 2010, to:

5 BRIAN A. PAINO
6 JOSEPHINE E. PIRANIO
7 PITE DUNCAN, LLP
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10 Attorney for Movant

11 By: /s/ C. Short

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